

14230  
020304  
U.S.PTO

**UTILITY PATENT APPLICATION TRANSMITTAL**  
 (CLAIMING BENEFIT TO PROVISIONAL APPLICATION)  
 (New Nonprovisional Application Under 37 CFR § 1.53(b))

Attorney Docket No.  
 15437-0600

**TO THE COMMISSIONER FOR PATENTS:**

Transmitted herewith is the patent application of ( ) application identifier or (X) first named inventor, Ozgur C. Leonard, et al., entitled MULTI-LEVEL COMPUTING RESOURCE SCHEDULING CONTROL FOR OPERATING SYSTEM PARTITIONS, for a(n):

- (X) Original Patent Application that claims the benefit of prior U.S. Provisional Application 60/469,558, filed May 9, 2003.  
 (X) A statement claiming priority under 35 USC § 119(e) has been added to the specification.

- ( ) Continuing Application (prior application not abandoned):

( ) Continuation      ( ) Divisional      ( ) Continuation-in-part (CIP)  
 of prior application No: \_\_\_\_\_ Filed on: \_\_\_\_\_  
 ( ) A statement claiming priority under 35 USC § 120 has been added to the specification.

Enclosed are:

- (X) Specification 35 Total Pages; (X) Drawing(s) 9 Total Sheets; (X) Cover Sheet 1 Page  
 (X) Oath or Declaration: 5 Pages  
 (X) A Newly Executed Combined Declaration and Power of Attorney:  
 (X) Signed.      ( ) Unsigned.      ( ) Partially Signed.  
 ( ) A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).  
 ( ) Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated herein by reference in its entirety for all purposes.  
 ( ) Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).  
 ( ) Power of Attorney.      (X) Return Receipt Postcard.  
 ( ) Associate Power of Attorney.      (X) A Check in the amount of \$1,206.00 for the Filing Fee.  
 ( ) Preliminary Amendment.      ( ) Information Disclosure Statement and Form PTO-1449.  
 (X) Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i)  
 ( ) A Duplicate Copy of this Form for Processing Fee Against Deposit Account.  
 ( ) A Certified Copy of Priority Documents (if foreign priority is claimed).  
 ( ) Applicant(s) is entitled to small entity status. See 37 CFR 1.27.  
 ( ) Statement(s) of Status as a Small Entity Filed in Prior Application, Status Still Proper and Desired.  
 (X) Recordation of Assignment Cover Sheet and executed Assignment.  
 ( ) Other: \_\_\_\_\_

CLAIMS AS FILED				
FOR	NO. FILED	NO. EXTRA	RATE	FEE
Total Claims	42	22	\$18.00	\$ 396.00
Independent Claims	3	0	\$86.00	\$ 0.00
Multiple Dependent Claims (if applicable)				\$0.00
Assignment Recording Fee				\$40.00
Basic Filing Fee				\$770.00
			Total Filing Fee	\$1,206.00

Charge \$\_\_\_\_\_ to Deposit Account 50-1302 pursuant to 37 CFR § 1.25. Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:

Kirk D. Wong, Reg. No. 43,284

Date: February 3, 2004

Correspondence Address:

CUSTOMER CODE

**29989**

I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

Mail Stop Patent Application  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

By: *Annette Jacobs*  
 Typed Name: Annette Jacobs  
 Express Mail Label No.: EV323351621US  
 Date of Deposit: February 3, 2004

22387 U.S.PTO  
 10/771827

020304

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# FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision,  
Small Entity payments must be supported by a small entity statement,  
otherwise large entity fees must be paid. See Forms PTO/SB/09-12  
See 37 C.F.R. §§ 1.27 AND 1.28

TOTAL AMOUNT OF PAYMENT (\$ 1,206.00)

**Complete if Known**

Application Number	NYA
Filing Date	February 3, 2004
First Named Inventor	Ozgur C. Leonard, et al.
Examiner Name	NYA
Group/Art Unit	NYA
Attorney Docket No.	15437-0600

**METHOD OF PAYMENT** (check one)

1.  Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

Deposit Account Number 50-1302

Deposit Account Name Hickman Palermo Truong &amp; Becker, LLP

2.  Payment Enclosed:

 Check  Money Order  Other

3.  Applicant(s) is entitled to small entity status.  
See 37 CFR 1.27.

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051	130	2051	65 Surcharge – late filing fee or oath
1052	50	2052	25 Surcharge – late provisional filing fee or cover sheet.
1053	130	1053	130 Non-English specification
1812	2,520	1812	2,520 For filing a request for reexamination
1804	920*	1804	920* Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840* Requesting publication of SIR after Examiner action
1251	110	2251	55 Extension for reply within first month
1252	420	2252	210 Extension for reply within second month
1253	950	2253	475 Extension for reply within third month
1254	1,480	2254	740 Extension for reply within fourth month
1255	2010	2255	1005 Extension for reply within fifth month
1401	330	2401	165 Notice of Appeal
1402	330	2402	165 Filing a brief in support of an appeal
1403	290	2403	145 Request for oral hearing
1451	1,510	1451	1,510 Petition to institute a public use proceeding
1452	110	2452	55 Petition to revive – unavoidable
1453	1330	2453	665 Petition to revive – unintentional
1501	1330	2501	665 Utility issue fee (or reissue)
1502	480	2502	240 Design issue fee
1503	640	2503	320 Plant issue fee
1460	130	1460	130 Petitions to the Commissioner
1807	50	1807	50 Petitions related to provisional applications
1806	180	1806	180 Submission of information Disclosure Stmt
8021	40	8021	40 Recording each patent assignment per property (times number of properties)
1809	770	2809	385 Filing a submission after final rejection (37 CFR § 1.129(a))
1810	770	2810	385 For each additional invention to be examined (37 CFR § 1.129(b))
Other fee (specify)			
Other fee (specify)			
SUBTOTAL (2)	(\$ 396.00)	SUBTOTAL (3)	(\$ 40.00)

**SUBMITTED BY**

Name (Print/Type)	Kirk D. Wong	Registration No. (Attorney/Agent)	43,284	Telephone	(408) 414-1080
Signature				Date	February 3, 2004

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

SUN040016NP

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**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Ozgur C. Leonard, et al.
Title	Multi-Level Computing Resource Scheduling Control for Operating System Partitions
Atty. Docket Number	15437-0600

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

February 3, 2004

Date



Signature

Kirk D. Wong (Reg. No. 43,284)

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450